

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

D.A.No.1334 OF 1997.

DATE OF ORDER:5-2-1999.

BETWEEN:

V.B.Kameswara Rao.

...Applicant

a n d

1. The Government of India, rep. by its Secretary, Ministry of Defence, U.O.I., Department of Productions, New Delhi.
2. The Secretary, Ordnance Factory Board, 10/A-Auckland Road, Calcutta-700 001.
3. General Manager, Ordnance Factory, Eddumailaram-502 205, Medak District.

....Respondents

COUNSEL FOR THE APPLICANT :: Mr.Y.Suryanarayana

COUNSEL FOR THE RESPONDENTS :: Mr.V.Rajeshwara Rao

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (A) )

None on both sides.

*Fr*

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2. The applicant in this OA joined as a Canteen Vendor after having been selected on the basis of the sponsorship by the Employment Exchange on 31-5-1990. He was confirmed in that post of Canteen Vendor from 16-5-1992. The applicant submits that he will be crossing 40 years of age on 21-4-1996. Hence, he submits that he should have been considered for the higher post of Store Keeper/LDC earlier when vacancies were available and thereby his further career prospects would have been safeguarded. He also submits that he is eligible for consideration for the Group 'C' post of Store Keeper/LDC.

3. This OA is filed praying for a direction to the respondents to consider the case of the applicant for relaxation of the upper age limit for appointment to the existing post of Store Keeper/L.D.C., in the Ordnance Factory Project, Eddumailaram, Medak District.

4. A reply has been filed in this OA. The contention of the respondents is that, the filling up of the post is left to the administration based on the necessity to fill up the post on the basis of work load. The age fixed for direct recruits is 25 years, whereas the departmental candidates when considered along with the direct recruits, the age relaxation is given upto 40 years for L.D.C./Store Keeper post. The age relaxation is fixed on the basis of the Ministry

*Jr*

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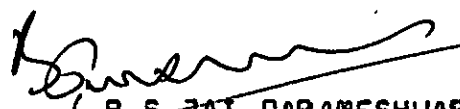
*D*


-3-

of Defence (Department of Defence Production and Supplies) letter No.53(11)/88/III/D(Fy.II), dated: 27-9-1988, a copy of which is filed as Annexure.I to the Reply. Hence, the respondents submit that the OA has no merits.

5. The applicant has no right to demand for promotion against the vacancies of Store Keeper/LOC, <sup>where</sup> such posts are not necessarily to be filled. Even if it is necessary to be filled, he should file his application as and when the notification is issued for filling up that post. Age relaxation for the serving employees is not a matter of right. It is governed by the Office Memorandum of the concerned Department. If age is restricted to 40 years for serving employees, the applicant cannot ask for relaxation beyond that age.

6. In view of what is stated above, we find that there is no merit in this OA. Hence, the OA is dismissed. No costs.

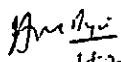
  
( B.S. JAI PARAMESHWAR )  
MEMBER (JUOL)

  
( R. RANGARAJAN )  
MEMBER (ADMN)

DATED: this the 5th day of February, 1999

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Dictated to steno in the Open Court

\*\*\*  
OSN

  
18-2-99

9/3/99  
Ist and IInd Court.

Copy to:

1. HDHND
2. HHRP M(A)
3. HGSJP M(J)
4. D.R. (A)
5. SPARE

Typed By  
Compared by

Checked by  
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD.

THE HON'BLE MR. JUSTICE D. H. NASIR:  
VICE - CHAIRMAN

THE HON'BLE H. RAJENDRA PRASAD :  
MEMBER (A)

THE HON'BLE R. RANGARAJAN :  
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESHWAR :  
MEMBER (J)

DATED: 5. 2. 99

ORDER/JUDGMENT

M.A./R.A/C.P.NO. \_\_\_\_\_

IN

B.A.NO: 1334/97.

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
वैषम्य / DESPATCH

25 FEB 1999

हैदराबाद न्यायपीठ  
HYDERABAD BENCH

Application u/r 8(3) of CAT (Procedure) Rules

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: ADDITIONAL BENCH,  
AT HYDERABAD.

M.A.NO. 462 OF 1998

in

O.A.NO. 1334 OF 1997

Between:

V.B.Kameswara Rao,  
S/o.V.V.Rama Rao, Aged about 41 years,  
Canteen Vendor, F.No.050735-5,  
Industrial Canteen, Ordnance Factory,  
Edumailaram-522205, Medak District. .. APPLICANT/  
APPLICANT

AND

1. The Government of India,  
Rep. by its Secretary,  
Ministry of Defence, G.O.I.,  
Dept., of Productions, New Delhi.
2. The Secretary,  
Ordnance Factory Board,  
10/A, Auckland Road, Calcutta-700001.
3. General Manager,  
Ordnance Factory,  
Edumailaram-502 205, Medak District,  
A.P. .. RESPONDENTS/  
RESPONDENTS

BRIEF FACTS LEADING TO APPLICATION

1. The applicant most respectfully submits that he completed his intermediate and also procured the additional qualification of Typewriting Lower. Originally recruited as Canteen Vendor in the 3rd respondent department. It is worthy to submit that in the post

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Main body of the document containing several paragraphs of text, which is extremely faint and difficult to read. The text appears to be a formal letter or report.

of canteen vendor there is absolutely no channel for promotion nor there is a possibility of any progress in the career. A person appointed as canteen vendor has necessarily retire only as a canteen vendor. Apart from that because of the nature of service the applicant is also suffering with health problems consequently the applicant was proposing to get recruited as LDC/Store Keeper. Unfortunately no channel for recruitment to the ministerial service was prescribed under the rules and for direct recruitment the maximum age limit was prescribed was 40 years. The applicant most respectfully submit that there is absolutely no rational limit in fixing the upper age limit of 40 years but since the 3rd respondent has got the power to relax the age limit the applicant made a representation on 21-5-1997 and on 13-6-1997 to consider his case for recruitment as Store Keeper/LDC by relaxing the upper age limit but unfortunately the same was not considered. Infact the applicant also applied for the said post which was rejected by the department on the ground that the applicant is age barred. Questioning the said rejection ~~the present application~~ ~~filed~~ the applicant filed this present OA.

2. Be that as it may the representation filed by the applicant to consider for relaxing the upper

a ge limit is still pending no orders was passed on same. While matter stood thus two separate notifications was issued by the 3rd respondent to fill up the vacancy of Store Keeper and LDC dated 4th May, 1998 and 2nd June, 1998 respectively for both the posts 40 years is the upper age limit is prescribed to the departmental candidate. The applicant submits that even earlier there was a notification to fill up the said post. Each time the posts are being filled up and the age of the applicant is passing through the applicant submits that since the grievance of the applicant is genuine and the 3rd respondent has got the power to consider the case of applicant for relaxing the upper age limit it is just and proper for the 3rd respondent to consider the case of the applicant for the post of Store Keeper/LDC by considering the upper age limit. The applicant is prepare to face all the tests require for the recruitment. The applicant submits that if the said posts are filled up then the applicant will be deprived of being considered in the said post and since the representation of the applicant is pending for several months.

3. It is submitted that the last date for submitting application to the post of Store Keeper/LDC is 18th June, 1998 hence there is a grave urgency in the matter. There are six vacancies for the post of LDC and five vacancies for the post of Store

Keeper which is propose to be filled up.

4. Hence it is therefore prayed that this Hon'ble Tribunal may be please to direct the respondents to consider his case for relaxation of age and pending consideration he may be permitted to apply for the post of Store Keeper and LDC for appointment pending disposal of main QA in the interest of justice and pass such other order or orders as are deem fit and proper in the circumstances of the case.

VERIFICATION

I, V.B.Kameswara Rao, S/o.V.V.Rama Rao, Aged about 41 years, Canteen Vendor, Ordnance Factory Project, R/o.Edumailaram, Medak District, having temporarily come down to Hyderabad, do hereby verify the contents of this M.A. as stated above, and they are true and correct to the best of my knowledge and belief and I have not suppressed any material facts, and hence verified the above contents of M.A. in O.A.NO.1334 of 1997.

HYDERABAD,  
Dt.15-06-1998.

V. B. Kameswara Rao.  
( SIGNATURE OF THE APPLICANT )



( COUNSEL FOR THE APPLICANT )

To,

The Registrar,  
Central Administrative Tribunal,  
Additional Bench,  
at Hyderabad.

For Direction

HYDRABAD DISTRICT

CENTRAL ADMINISTRATIVE TRIBUNAL,  
ADDITIONAL BENCH,  
AT HYDRABAD.

M.A.NO. OF 1998

in

C.A.NO.1334 OF 1997



M.A. FILED IN C.A.NO.1334 /1997  
FOR DIRECTION TO RESPONDENTS

*Prabhakar  
Kishore  
15/6/98*

Filed on: 15-6-1998

Filed by:

M/s.Y.Suryanarayana,  
Senior Advocate,  
40, MCH Housing Board  
Colony, Hyderabad-28.

*Ans - sent to Judiciary  
on 15/6/98*

COUNSEL FOR THE APPLICANT:

*May be by  
15/6/98*

98 in CA 1334/97

6.98

request for appli-  
cants counsel list it on  
5-8-98.

R  
HBSJP  
M(J)

HRAN  
M(A)

5/2/99

None on either side.

As the OA is disposed  
of today, the MA is  
dismissed. NO COSTS.

HBSJP  
M(J)

HRAN  
M(A)

Du

वृत्त/ORIGINAL

रक्षा/DEFENCE

बेंच केस/BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, HYDERABAD

M.A.No. 442 of 1998

IN

O.A.No. 1334 of 1997

Discretion Petition

Mr. V. Suryanarayana  
COUNSEL FOR THE APPLICANTS.  
AND

Mr. V. Rajeswara Rao  
Sr.ADDL. STANDING COUNSEL FOR C.G.Rly.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD  
O/R 8(3) of 1987 (1) Rule 1987.

~~XXXX~~ M.A.No. 46 of 1998.

in

O.A.No. 1334 of 1997

(O.A.SR.No. 3086/97 Filed on 23-9-1997)

Between:

V.B.Kameswara Rao  
S/o V.V.Rama Rao, Aged about 41 years,  
Canteen Vendor, F.No.050735-5,  
Industrial Canteen, Ordnance Factory,  
Eddumailaram-522 205, Medak District

... APPLICANT/  
APPLICANT

And

1. The Government of India  
Rep. by its Secretary,  
Ministry of Defence, G.O.I.,  
Dept. of Productions, New Delhi.
2. The Secretary,  
Ordnance Factory Board,  
10/A, Auckland Road, Calcutta-700001.
3. General Manager,  
Ordnance Factory,  
Eddumailaram-502 205, Medak District, A.P.

... RESPONDENTS/  
RESPONDENTS

BRIEF FACTS LEADING TO APPLICATION

1. The applicant submits that he has filed the above O.A. for issuance of an order or direction directing the Respondents to consider the case of the Applicant for relaxation of upper age limit for the appointment to the post of Store Keeper/L.D.C. in the Ordnance Factory Project, Eddumailaram, Medak District, A.P.. He had also filed M.A. in the above O.A. for directing the Respondents to interview the applicant for appointment to the post of Store Keeper/L.D.C. and the result may be kept in abeyance till the disposal of the above O.A. or in the alternative to keep one post of Store Keeper/L.D.C. vacant for appointment of the Applicant in the said vacant in the event of his success in the above O.A.
2. The applicant states that a notification No.316 dated 21-11-1997 was issued by the General Manager of the Ordnance Factory Project, Eddumailaram, Medak District, stating that a few vacancies

of Store Keeper in the non-industrial establishment in the pay scale of Rs.3050-75-3950-80-4590 are required to be filled up and the qualifications for appointment to the said post had been enumerated in the said notification; a copy of which is being appended to this M.A. as Material Paper. The last date for receiving the applications for the said post is stated to be 29-11-1997. The applicant is now working in the Respondent's Ordnance Factory at Eddumailaram as Canteen Vendor and this post is not shown as one of the Feeder Categories for appointment to the post of Store Keeper/LDC. As at present the Canteen Vendor has no opportunity of advancing his career in the organisation unless he is considered for appointment to the post of Store Keeper/LDC, to which, the qualifications which he possess will just fit in. So far as the post of Store Keeper as enumerated in the notification dated 21-11-1997 is concerned, the Applicant satisfies all the requirements except in regard to the age. Since he has been an employee of the Ordnance Factory since 16-5-1990 and he is an inservice candidate, the General Manager of the Ordnance Factory may be pleased to relax the upper age limit and permit him to apply for the post of Store Keeper and receive his application for appointment to the said post and consider his case for appointment and the result of the selection may be kept in abeyance till the disposal of the O.A. or in the alternative the Respondents may be directed to keep one post of Store Keeper vacant for the Applicant for appointment, in the event of his success in the above O.A. The applicant further states that since the date of his filing the above O.A. all the posts in the category of L.D.C. had been filled up and therefore the only post that is now available to fill up as stated in the notification No.316 dt.21-11-1997, is store keeper. If all the posts of Store Keeper that are now notified are filled up without considering the Applicant's case for appointment, he would miss the bus for ever and may be, he would be retiring as Canteen Vendor. In the above circumstances the Applicant filing this M.A. seeking suitable directions to the Respondents.

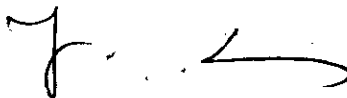
3. In the above circumstances, the Applicant prays that this Hon'ble Tribunal in the interest of justice may be pleased to direct the Respondents to permit the applicant to apply for the post of Store Keeper, for appointment, in the said post that is notified in the Notification No.316 dated 21-11-1997 of the Respondent Organisation at Eddumailaram and to consider his claim for appointment to the said post of Store Keeper and the result of the selection may be kept in abeyance till the disposal of the above O.A. or in the alternative, to keep one post of Store Keeper vacant, for the applicant, in the event of his success in the above O.A. and pass such other order or orders as may be deemed fit and proper in the circumstances of the case.

VERIFICATION

I, V.B.Kameswara Rao, S/o V.V.Rama Rao, Aged about 41 years, Canteen Vendor, Ordnance Factory Project, R/o Eddumailaram, Medak District, having temporarily come down to Hyderabad, do hereby verify the contents of this M.A. as stated above, and they are true and correct to the best of my knowledge and belief and I have not suppressed any material facts, and hence verified the above contents of M.A. in O.A. SR.3086/97.

Hyderabad,  
Dt.23-11-1997.

*V. B. Kameswara Rao*  
(SIGNATURE OF THE APPLICANT)

  
( COUNSEL FOR THE APPLICANT)

To  
The Registrar,  
Central Administrative Tribunal  
Hyderabad Bench  
at Hyderabad.

For Divalaya

MEDAK DISTRICT

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

M.A.No. \_\_\_\_\_ of 1997

in

O.A.No. 1334 of 1997

(O.A.SR.No.3086/97 filed on 23.9.97)



M.A. filed in O.A.No. \_\_\_\_\_ '97  
for directions to Respondents

*Ramiah  
Kishore  
29/12/97*

Filed on: 24-11-1997

*Rev. sent to Jindal  
on 29/12/97  
Received bundle on 20/1/98*

Filed by:

M/s. Y. Suryanarayana,  
Senior Advocate  
Y.N. Lakshmi, Advocate  
40, MIGH, Housing Board Colony,  
Hyderabad-28.

(Counsel for the Applicant)

*may be filed  
20/1/98*

CENTRAL ADMN. TRIBUNAL: HYDERABAD  
BENCH AT HYDERABAD

M.A.No. \_\_\_\_\_ of 1997

in

O.A.No. 1334 of 1997  
(OA SR.No.3086/97 filed on:23-9-97)



MATERIAL PAPER INDEX

1. Notification No.316 dated 21.11.97 .. PageNo.1

Filed on: 24-11-1997

Filed by:

M/s.Y.Suryanarayana,  
Senior Advocate  
Y.N.Lakshmi, Advocate  
40,MIGH, Mehdiapatnam,  
Hyderagad-28.

(Counsel for the Applicant)

RESTRICTED

RESTRICTED

ORDNANCE FACTORY PROJECT, YEDDUMAILARAM  
MEDAK DISTRICT  
FACTORY ORDER PART-I

BY  
SHRI B.L. SHARMA, IOFS, GENERAL MANAGER

=====  
Dated: 24.11.1997  
=====

NO. 316

Sub:- NIE (Group 'C') - Filling up of  
vacancy of Store Keeper.

\*\* \*\* \*

A few vacancies of Store Keeper in Non-Industrial Estt.,  
in the pay scale of Rs.3050-75-3950-80-4590 are required to be  
filled up shortly.

02. The specification of the post is as follows:

(a) Educational Qualification:  
1. Matriculation or equivalent.

(b) Desirable Qualification:  
1 year experience in the line.

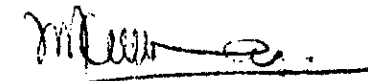
(c) Age: Not exceeding 25 years. (Relaxable to  
SC/ST/OBC candidates)

03. The upper age limit for departmental candidates having  
minimum 3 years continuous service in the Department has been  
relaxed upto 40 years.

04. Employees possessing the above prescribed qualification/  
experience and having minimum 6 months service in the department  
may submit their applications through proper channel along-  
with the copies of testimonials giving the complete Bio-data i.e.,  
Name, Date of Birth, Educational Qualification, SC/ST/OBC status,  
Date of Joining in this Project and present Trade/Grade and Section,  
so as to reach DO/GM Sectt., on or before 29.11.97, positively.

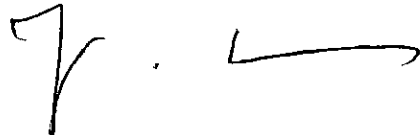
05. Application received after the last date will not  
be entertained.

06. Call letters for Test/Interview will be issued only to  
those individuals who are found eligible for the above post.



(MANOJ KUMAR)  
WM/ADMIN-II

for GENERAL MANAGER



MA 46/98 in OA 1334/97

29.1.98

None for the applicant.  
Sri V. Rajeshwar Rao  
for the respondents submits  
that he will file reply,  
hence list it for final  
hearing on 11.3.98.  
List MA also along with  
O.A.

J  
HSSP HRAO  
MLA MLA

5/2/99

None on either side.

As the OA is disposed  
of today the MA is dismissed.  
NO Costs.

J  
HSSP HRAO  
MLA MLA

9/2

अपील/DEFENCE

बेंच केस/BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD.

M.A.No. 46 of 11998

IN

O.A.No. 1334 1998.

Discontinuation Petition

Mr. Y. Suryanarayana  
COUNSEL FOR THE APPLICANTS.

AND

Mr. V. Rajeswara Rao  
Sr. ADDL. STANDING COUNSEL FOR C.G. RLYS.

HIGH COURT FILE NO

9/2003

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH AT HYDERABAD

WRIT PETITION NO

19763/1999

W.P.M.P. No.

/200

A Writ Petition was filed in the High Court of Andhra Pradesh by Sri V. B. Kamejwara Rao

vs. Secretary, GOI, M/O Defence, Dept of Production, Hyderabad  
against the Order/Judgment of this Hon'ble Tribunal dated 5-2-1999  
and made in O.A.No... 1334/97

The High Court was pleased to ~~Dismiss/Allow/Dispose~~ of the W.P. Order that the w.p. is devoid of merit and it is accordingly dismissed. No order as to costs on 3-12-2002.  
under ~~Interim Suspension/Stay/Notice~~ the operation of judgement dt.

The Judgment of the Tribunal in O.A.No. 1334/97 and the order ~~Notice~~ of the High Court of Andhra Pradesh is enclosed herewith for perusal.

Submitted

Case 30/1/03

DEPUTY REGISTRAR (J)

4  
4-2-2003

4/2/03  
REGISTRAR

HON'BLE VICE-CHAIRMAN

HON'BLE MEMBER (ADMIN) - I

HON'BLE MEMBER (ADMIN) - II

HON'BLE MEMBER (JUDL)

DR (F)  
Fng  
9/1/99

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD  
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY THE THIRD DAY OF DECEMBER TWO THOUSAND AND TWO  
PRESENT

THE HONOURABLE MR. JUSTICE : S.R. NAYAK

AND

THE HONOURABLE MR. JUSTICE : B. SESHABAYANA REDDI

WRIT PETITION NO. 19763 OF 1999

Between :

V.S. Kameswara Rao

Petitioner

and

- Respondents
1. The Govt. of India, rep. by its Secretary,  
Ministry of Defence, Dept. of Production, New Delhi.
  2. The Ordnance Factory, 10/A-Auckland Road,  
Calcutta-1, rep. by its Secretary.
  3. The Ordnance Factory, Yeddamailaram,  
Medak Dist, rep. by its  
General Manager

Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in not considering the case of the petitioner for appointment to the post of LDC/Store Keeper in the third respondent-Organisation as arbitrary, discriminatory and illegal and consequently direct the respondent to consider the case of the petitioner for appointment to the post of LDC/store Keeper as inservice candidate, by granting relaxation of the upper age limit, by five years i.e. equivalent to the period the petitioner's initial appointment order was withheld ~~withheld~~ by the 3rd respondent and also set aside the order dated 5-2-1999 in O.A. No. 1334/97 of the Central Administrative Tribunal at Hyderabad with all other consequential benefits.

FOR THE PETITIONER : MR. V. JAGAPATHI, ADVOCATE

FOR THE RESPONDENTS : NONE APPEARED

THE COURT MADE THE FOLLOWING ORDER : (per S.R. Nayak, J)

The original application filed by the petitioner before the Central Administrative Tribunal is ex-facie misconceived and without any merit. The facts which are not in dispute are the following :

The petitioner joined as a canteen worker after having been selected in pursuance of the sponsorship made by the concerned Employment Exchange with effect from 31-5-1990 and he was later confirmed in that post on 16-5-1992. When the matter stood thus, the petitioner filed O.A. No. 1334/97 and that he crossed 40 years of age on 21-4-1996 and, therefore he should have been considered by the management of the Ordnance Factory for appointment to the higher post of Store Keeper/LDC instead of appointing him as canteen worker by granting relaxation in age qualification. The Tribunal has rightly held that the petitioner has no legal right to demand that the management of the Ordnance Factory as a matter of

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1-9 JAN 2003

Central Administrative Tribunal  
Hyderabad

9-1-03

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course or as a matter of right of the petitioner, to appoint him to the post of Store Keeper/LDC by relaxing age qualification since the petitioner had utterly failed to establish any legal right with reference to any statute or provision of the Constitution or any agreement or contract between the parties. Hence, the mandamus as prayed for could not be issued. No flaw is found in the impugned order of the Central Administrative Tribunal. The writ petition is devoid of merit and it is accordingly dismissed. No order as to costs.

Sd/-P.Krishnamurthy  
Asst. Registrar

//true copy//

Section Officer

To

1. The Secretary, Govt. of India, Ministry of Defence, Dept. of Production, New Delhi
2. The Secretary, the Ordnance Factory, 10/A-Auckland Road, Calcutta-1
3. The General Manager, the Ordnance Factory, Yelamancheru, Medak Dist.
4. The Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyd.
5. 2 C.D. copies
6. 1 cc to Mr. V. Jagapathi, Advocate (OSUC)

tsl

R